

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RHODE ISLAND LATINO ARTS, et al.,

Plaintiffs,

v.

NATIONAL ENDOWMENT FOR THE
ARTS, et al.,

Defendants.

Case No. 1:25-cv-00079-WES-PAS

SUPPLEMENTAL DECLARATION OF VERA EIDELMAN

I, Vera Eidelman, declare as follows:

1. I am a Senior Staff Attorney with the American Civil Liberties Union Foundation and counsel for Plaintiffs in the above-captioned action. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

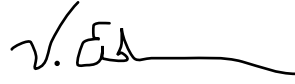
2. Attached as Exhibit 1 is a true and correct copy of a webpage published by the National Endowment for the Arts ("NEA") with the title "Grants," available at <https://www.arts.gov/grants>.

3. Attached as Exhibit 2 is a true and correct copy of a webpage published by the National Endowment for the Arts ("NEA") with the title "Grants for Arts Projects," available at <https://www.arts.gov/grants/grants-for-arts-projects>.

4. Attached as Exhibit 3 is a true and correct copy of a webpage published by the National Endowment for the Arts ("NEA") with the title "Legal Requirements and Assurance of Compliance," available at <https://www.arts.gov/grants/legal-requirements-and-assurance-of-compliance> and current as of June 30, 2025.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2025.



Vera Eidelman

EXHIBIT 1



“The Arts . . . belong to all the people of the United States.”

*1965 Enabling Legislation for the National Foundation on the Arts and the Humanities Act of 1965

Welcome!

The National Endowment for the Arts is the only arts funder in the United States—public or private—that provides access to the arts in all 50 states, the District of Columbia, and U.S. jurisdictions. Our work extends into communities of all sizes across America through a vast network that includes artists, arts workers, audiences,

learners, and organizations at the local, state-wide, regional, and national levels.

Whether you are a first-time or returning applicant, we welcome the opportunity to connect with you. Our staff strives to ensure that all applicants receive the support they need to understand every step of the process. Here are some resources to help orient you to our grantmaking process:

- [First Time Applicant Guide for Organizations](#) </grants/first-time-applicant-guide-for-organizations>
- [How are applications reviewed? Grant Review Process](#) </grants/grant-review-process>
- [Want to serve as an application reviewer? Volunteer to be a Panelist](#) </form/volunteer-to-be-a-national-endowment-for-the-arts-panelist>
- [See the wide variety of projects and grant recipients we have funded](#) </grants/recent-grants>
- **NOTE:** [SAM Validation Is Returning to Grants.gov](#) </grants/sam-validation%3dreturning-to-grants.gov>

Please carefully read the guidelines located below to better understand each program's intent, as well as the types of projects we are particularly interested in funding.

Find out more about funding opportunities available through your state arts agency and regional arts organization <<https://www.arts.gov/state-and-regional-arts-organizations>>.





Performance of *Twelfth Night* at Yale Repertory Theatre. Photo by Joan Marcus

Grants for Organizations

NEA "Celebrating America250: Arts Projects Honoring the National Garden of American Heroes"

\$25,000 grants for arts projects in any discipline that celebrate the contributions to American history of one or more of the national heroes listed in Executive Order 13978. No match required. Deadline: July 14, 2025

</grants/national-garden-of-heroes>

GRANTS FOR ARTS PROJECTS

Grants for Arts Projects is our principal grants category. Grants are available for arts projects of all sizes in a wide variety of artistic disciplines. Deadlines: March 11 and July 17, 2025

</grants/grants-for-arts-projects>

OUR TOWN

In previous years, Our Town had its own application deadline. To simplify the application intake and review process, Our Town applicants will now apply within the Grants for Arts Projects (GAP) program and choose the “Our Town” discipline. GAP: Our Town requirements and application questions have been simplified for the benefit of all applicants.

</grants/our-town>

CHALLENGE AMERICA

The Challenge America grant program has been canceled for FY 2026. We encourage applicants who may have planned to apply to Challenge America this year to review the Grants for Arts Projects guidelines to learn more about funding opportunities.

</grants/challenge-america>

PARTNERSHIP AGREEMENT GRANTS

Grants are awarded to the nation's 56 state and jurisdictional arts agencies (SAAs), and the six regional arts organizations (RAOs) whose members comprise SAAs. Partnership support is also available to the national service organization for the state arts agencies.

* Deadline has passed. New guidelines anticipated in July 2025.

</grants/partnership-agreement-grants>

RESEARCH AWARDS

The National Endowment for the Arts invites applicants to engage with its five-year research agenda (as part of the NEA FY2022-2026 Strategic Plan, Objective 3.2) through the agency's Research Grants in the Arts program.

* Deadline has passed.

</grants/research-awards>

Fellowships

CREATIVE WRITING FELLOWSHIPS

The Literature Fellowships program awards grants in prose (fiction and creative nonfiction) and poetry to published creative writers.

*Deadline has passed.

</grants/creative-writing-fellowships>

TRANSLATION PROJECT FELLOWSHIPS

Through fellowships to published translators, the NEA supports projects for the translation of specific works of prose, poetry, or drama from other languages into English.

* Deadline has passed.

</grants/translation-project-fellowships>

Manage Your Award

Manage Your Award

Manage Your Award is for recipients of offers and awards from the National Endowment for the Arts. Here you will find the guidance necessary to understand and comply with the rules, regulations, and policies that govern your federal award, as well as all forms and instructions you will need to manage the award from offer to closeout.

</grants/manage-your-award>

Recent Grants

Information about NEA grants awarded since 1998.

Go </grants/recent-grants>

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Accessibility </impact/accessibility>

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Disclaimers </about/website-disclaimers>

Open Government </about/open-government>

USA.gov <http://www.usa.gov/>

Section 508 Accessibility </section-508-accessibility>

Scam Regarding NEA Grants </about/national-endowment-arts-warns-public-about-grant-scam>

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EXHIBIT 2



[Menu](#)

GRANTS FOR ARTS PROJECTS

Grant Program Summary

Update: Please review this notice <https://www.arts.gov/sites/default/files/final.notice.implementation.eo14168.pdf> concerning the agency's implementation of EO 14168.

GAP 2 Deadline Update: The deadline dates for the FY26 GAP 2 funding opportunity have changed. See the calendar below for the new dates.

The NEA is committed to supporting excellent arts projects for the benefit of all Americans. Grants for Arts Projects (GAP) provides funding for public engagement with the arts and arts education, for the integration of the arts with strategies promoting the health and

well-being of people and communities, and for the improvement of overall capacity and capabilities within the arts sector. We welcome applications from first-time and returning applicants; from organizations serving rural, urban, suburban, and tribal communities of all sizes; and from organizations with small, medium, or large operating budgets. **We strongly encourage applications for arts projects that incorporate one or more agency funding priorities** </grants/priorities>.

We fund arts projects in the following disciplines: Artist Communities, Arts Education, Dance, Design, Film & Media Arts, Folk & Traditional Arts, Literary Arts, Local Arts Agencies, Museums, Music, Musical Theater, Opera, Our Town, Presenting & Multidisciplinary Works, Theater, and Visual Arts.

A full grant program description can be found under **Grant Program Details** below. For detailed instructions on how to apply, see **Application Instructions** below.

Access for individuals with disabilities:

Contact the Office of Civil Rights at civilrights@arts.gov to request an accommodation or an alternate format of the guidelines at least 2 weeks prior to the application deadline.

Eligibility

Review *GAP Grant Program Details* document below for full details.

Organizations eligible to apply include:

- Nonprofit, tax-exempt 501(c)(3), U.S. organizations;
- Units of state or local government; or
- Federally recognized tribal communities or tribes.

Applicant organizations must have completed at least 5 years of arts programming prior to the application deadline. Generally, an applicant may submit one application per calendar year.

Funding is **not** available in this category for individuals, applications submitted by a fiscal sponsor, or commercial/for-profit enterprises.

Funding level

Applicants may request an amount between \$10,000-\$100,000.

Local Arts Agencies *only*: Designated local arts agencies that are eligible to subgrant may request \$30,000 to \$150,000 for subgranting programs. See the Local Arts Agencies Application Instructions below for more information on subgranting eligibility.

1:1 Cost-share/match required. Sources may include both cash and in-kind.

Review the *GAP Program Details* document below for full details.

Important Dates

Applications are accepted during two funding cycles each year.

	March Cycle (GAP 1)	July Cycle (GAP 2)
Grant Program Details and Application Instructions Published	February 2025	February 2025
Part 1 Application Package Available on Grants.gov	February 2025	Mid-June 2025
Part 1 Grants.gov Submission deadline	March 11, 2025 11:59 pm ET	July 17, 2025 11:59 pm ET
Part 2 NEA Applicant Portal <i>Opens to applicants</i>	March 14, 2025 9:00 am ET	July 22, 2025 9:00 am ET
Part 2 NEA Applicant Portal Submission deadline	Updated Deadline: April 7, 2025 11:59 pm ET	July 29, 2025 11:59 pm ET
Notification of recommended funding or rejection	December 2025	Early to mid April 2026

Earliest project start date	January 1, 2026	June 1, 2026
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Grant Program Details & Instructions

GAP Grant Program Details (all disciplines): PDF </sites/default/files/fy26-gap-grant-program-details-july-v2.pdf>

This document includes a detailed description of the grant program, eligibility information, award information, an application calendar, a list of unallowable activities/costs, application review details, FAQs, and federal award administration information. Review this information before you decide to apply.

Application Instructions:

Each document includes **full instructions on how to complete and submit both parts of the application** and a detailed description of the discipline, types of accepted projects, and characteristics of competitive proposals. From the list below, select the discipline that most closely corresponds with your proposed project activities.

- **Artist Communities:** PDF </sites/default/files/fy26-gap-ac-instructions-febrevfinal2.pdf>
- **Arts Education:** PDF </sites/default/files/fy26-gap-arts-ed-instructions-july.pdf>
- **Dance:** PDF </sites/default/files/fy26-gap-dance-instructions-july.pdf>
- **Design:** PDF </sites/default/files/fy26-gap-design-instructions-febrevfinal2.pdf>

- Film & Media Arts: PDF </sites/default/files/fy26-gap-film-media-arts-instructions-july.pdf>
- Folk & Traditional Arts: PDF </sites/default/files/fy26-gap-folk-arts-instructions-july.pdf>
- Literary Arts: PDF </sites/default/files/fy26-gap-literary-arts-instructions-july.pdf>
- Local Arts Agencies: PDF </sites/default/files/fy26-gap-local-arts-agencies-instructions-july.pdf>
- Museums: PDF </sites/default/files/fy26-gap-museums-instructions-july.pdf>
- Music: PDF </sites/default/files/fy26-gap-music-instructions-july.pdf>
- Musical Theater: PDF </sites/default/files/fy26-gap-musical-theater-instructions-july.pdf>
- Our Town: PDF </sites/default/files/fy26-gap-our-town-instructions-july.pdf>
- Opera: PDF </sites/default/files/fy26-gap-opera-instructions-july.pdf>
- Presenting & Multidisciplinary Works: PDF </sites/default/files/fy26-gap-pmw-instructions-july.pdf>
- Theater: PDF </sites/default/files/fy26-gap-theater-instructions-july.pdf>
- Visual Arts: PDF </sites/default/files/fy26-gap-visual_arts-instructions-july.pdf>

How to Apply

Submitting an application is a multi-step process. **Detailed instructions on how to complete and submit the both parts of the application package can be found in the Application Instructions documents above.** Applying for a federal grant can be time

consuming, we estimate that after registering, the process to draft and submit an application takes approximately 26 hours.

REGISTRATION

Registration Guidance PDF </sites/default/files/organization-registration-3.pdf>

Before you can submit an application, you must register with Login.gov <<https://login.gov/>>, the System for Award Management (SAM) at SAM.gov <<https://sam.gov/content/home>>, and Grants.gov <<https://www.grants.gov/>> or renew/verify these registrations. Registration can take several weeks.

SUBMIT YOUR APPLICATION

Application Part 1, Grants.gov

Submit the *Application for Federal Domestic Assistance/Short Organization Form*. Clicking the link below will take you **directly** to the pre-populated application package in Grants.gov.

PART 1 GRANTS.GOV APPLICATION PACKAGE

July Cycle: Funding opportunity number 2025NEA01GAP2 <[https://](https://www.grants.gov/search-results-detail/359688)

www.grants.gov/search-results-detail/359688>

After clicking the link above:

- **The Grants.gov “View Grant Opportunity” screen will open, click the red “Apply” button.** To create the Workspace application, you must be logged into Grants.gov with a participant role <<https://www.grants.gov/applicants/workspace-overview/workspace-roles>> of either **Workspace Manager** or **Authorized Organization Representative (AOR)**.
- **If the Apply button is grey or you receive a “bad request” error, please see** further instructions on how to troubleshoot <<https://www.arts.gov/grants/grants-gov-issues>>.
- **Create a Workspace application:**
 - Fill in the Application Filing Name field with your organization name, then
 - Click the **Create Workspace** button.
- **Go to the Manage Workspace page**, where you can begin working on the application.

Application Part 2, NEA Applicant Portal <<https://applicantportal.arts.gov/>>

Complete the *Grant Application Form (GAF)*. Login instructions and step-by-step directions for filling out the GAF are available via the *Application Instructions* documents above. The Applicant Portal (AP) is a separate website from grants.gov, click the link above to access the portal.

Applicants may receive a courtesy email at the beginning of the Part 2 submission window as a reminder that the AP is open – you do not need to wait for this email to access the AP, it will open promptly at 9:00 am Eastern Time on the date indicated on the calendar. Emails

can occasionally get caught in spam filters, for this reason non-receipt of the courtesy email *does not* provide grounds for an extension, nor should it be interpreted to mean that Part 1 of your application was not received.

Webinars and Resources

See the Applicant Resources on the sidebar for information on webinars and other resources.

Manage Your Award

Before applying, we recommend that you review reporting requirements and other information related to managing a federal award, including the General Terms and Conditions, on our Manage Your Award [</grants/manage-your-award/>](/grants/manage-your-award/)page.

Stories

Learn about grantees, artists, arts organizations, and arts events around the country through our blog, podcasts, interviews, videos, and magazine.

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FOIA </about/freedom-of-	civil-rights-office/	Inspector General </
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	and-employees/no-fear-	
	act>	
Accessibility </impact/	Privacy Policy </	Disclaimers </about/
accessibility>	privacy>	website-disclaimers>
Open Government </	USA.gov <http://	Section 508
about/open-government>	www.usa.gov/>	Accessibility </
		section-508-accessibility>

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EXHIBIT 3

Legal Requirements and Assurance of Compliance

Legal Requirements

NOTE: This list highlights some of the significant legal requirements that may apply to an applicant or recipient; however, it is not exhaustive. More information regarding these and other legal requirements may be found at [Appendix A of the General Terms & Conditions </grants/manage-your-award>](#), **which set forth the National Policy and Other Legal Requirements, Statutes, Regulations, and Executive Orders that Govern Your Award.** There may be other applicable legal requirements that are not listed in this document. It is ultimately your responsibility to ensure that you are compliant with all legal, regulatory, and policy requirements applicable to your award.

1. By law, the National Endowment for the Arts may support only those organizations:

- **That are tax-exempt.** Organizations qualifying for this status must meet the following criteria:

1. No part of net earnings may benefit a private stockholder or individual.
2. Donations to the organization must be allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended.

For further information, go to the Internal Revenue Service's (IRS) website <<http://www.irs.gov>>.

- Who have not had their IRS status revoked. It is your responsibility to ensure that your status is current at the time of the application and throughout the life of your award.
- **That compensate all professional performers and related or supporting professional personnel on National Endowment for the Arts-supported projects at no less than the prevailing minimum compensation.** (This requirement is in accordance with regulations that have been issued by the Secretary of Labor in 29 CFR Part 505 <<http://www.gpo.gov/fdsys/pkg/cfr-1998-title29-vol3/pdf/cfr-1998-title29-vol3-chap-id2.pdf>>. This part does not provide information on specific compensation levels.)

- **That ensure that no part of any National Endowment for the Arts-supported project will be performed under or engaged in working conditions which are unsanitary, hazardous, or dangerous to the health and safety of the employees involved.**

2. Some legal requirements apply to every applicant. For example:

- **Compliance with the federal requirements** that are outlined in the Assurance of Compliance below
- **Debarment and Suspension procedures.** The applicant must comply with requirements set forth in Subpart C of 2 CFR 180, as adopted by the National Endowment for the Arts in 2 CFR Part 3254. Failure to comply may result in the debarment or suspension of the recipient, and the National Endowment for the Arts suspending, terminating, and/or recovering the funds. More information on Debarment and Suspension procedures can be found in the GTCs.
- **Federal Debt Status** (OMB Circular A-129 <https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/a129/a-129.pdf>). Processing of applications will be suspended when applicants are delinquent on federal tax or non-tax debts, including judgment liens against property for a debt to the federal government. An organization's debt status is displayed in the System for Award Management (SAM). New awards will not be made if an applicant is still in debt status as of September 1 of the fiscal year listed on this funding opportunity.

- **Labor Standards** (29 CFR Part 505 <<https://www.govinfo.gov/app/details/cfr-2023-title29-vol3/cfr-2023-title29-vol3-part505>>). Recipients must comply with the standards set out in Labor Standards on Projects or Productions Assisted by Grants from the National Endowments for the Arts.
- The Drug-Free Workplace Act of 1988 <<https://www.govinfo.gov/content/pkg/uscode-2020-title41/html/uscode-2020-title41-subtitleiv-chap81-sec8103.htm>> (41 U.S.C. 8101 et seq. and 2 CFR Part 3256). The recipient is required to publish a statement regarding its drug-free workplace program as well as to comply with other requirements.

3. Some legal requirements apply depending upon what activity the award is funding. For example:

- If your project activities have the potential to impact any structure that is eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in an historic district, you will be asked to provide additional information about your project or take additional action so that the agency can review and comply with the National Historic Preservation Act <<https://www.achp.gov/protecting-historic-properties>> (NHPA). NHPA also applies to any planning activities that may affect historic properties or districts. The additional agency review must be completed prior to any agency funds being released.
- If your project activities have the potential to impact the environment or environmentally sensitive resources, you will be required to provide information in accordance with the National Environmental Policy Act <<https://www.epa.gov/laws-regulations/summary-national-environmental-policy-act>> (NEPA). The additional agency review must be completed prior to any agency funds being released.

- If your project activities include any contract over \$2,000 involving the construction, alteration, or repair of public buildings or public works, the contract must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract in accordance with The Davis-Bacon and Related Acts (DBRA). More information on DBRA can be found in the GTCs </grants/manage-your-award> under the “Other National Policies” heading.
- Projects or programs that are determined to be obscene are without artistic merit and shall not be funded. 20 USC 952(j)-(l); 20 USC 954(d),(l).

4. Some legal requirements apply depending upon who the applicant is. For example:

- The Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 et seq.) applies to any organization that controls or possesses Native American cultural items, such as human remains or associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act.

5. In addition, State Arts Agencies must meet the requirements in Section 954(g)(2) of the National Endowment for the Arts' authorizing legislation, which state:

"In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairperson and accompany such applications with a plan which the Chairperson finds—

(A) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan;

(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c);

(C) provides that the State agency will make such reports, in such form and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the goals of the State plan;

(D) provides—

- i. assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

- ii. a summary of such recommendations and the State agency's response to such recommendations; and

(E) contains--

- i. a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;
- ii. for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and
- iii. a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection."

Assurance of Compliance

By signing and submitting its application form on Grants.gov, the

applicant certifies that it is in compliance with the statutes outlined below and all related National Endowment for the Arts regulations as well as all applicable executive orders, and that it will maintain records and submit the reports that are necessary to determine its compliance.

We may conduct a review of your organization to ensure that the applicant is in compliance with these statutes, regulations, and executive orders. If the NEA determines that a recipient has failed to comply with any of these statutes, regulations, or executive orders, it may suspend or terminate the award, and/or recover the funds. The applicant's assurance of compliance is subject to judicial enforcement.

The applicant certifies that it does not discriminate:

- On the grounds of race, color, or national origin, in accordance with **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d et seq.), implemented by the National Endowment for the Arts at 45 CFR 1110.
- Solely on the grounds of disability, in accordance with **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794), as amended, implemented by the National Endowment for the Arts at 45 CFR 1151, and the **Americans with Disabilities Act of 1990** ("ADA"), as amended, (42 U.S.C. 12101 et seq.).
- On the basis of age, in accordance with the **Age Discrimination Act of 1975**, as amended (42 U.S.C. 6101 et seq.), implemented by the National Endowment for the Arts at 45 CFR 1156.

- On the basis of sex, in any education program or activity, in accordance with **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681 et seq.).

In addition, the applicant agrees that, if the applicant is selected and becomes a NEA grant recipient:

- The applicant will comply with all applicable Executive Orders while the award is being administered. Executive orders are posted at [whitehouse.gov/presidential-actions](https://www.whitehouse.gov/presidential-actions).
- The applicant's compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government's payment decisions for purposes of the False Claims Act, 31 U.S.C. § 3729(b)(4), pursuant to Executive Order No. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, dated January 21, 2025.

The applicant does not operate any programs promoting “diversity, equity, and inclusion” (DEI) that violate any applicable Federal anti-discrimination laws, in accordance with Executive Order No. 14173.

[See FAQ on these certification requirements](https://www.arts.gov/grants/legal-requirements-and-assurance-of-compliance/frequently-asked-questions) [</grants/legal-requirements-and-assurance-of-compliance/frequently-asked-questions>](https://www.arts.gov/grants/legal-requirements-and-assurance-of-compliance/frequently-asked-questions)

The applicant will inform the public that persons who believe they have been discriminated against on the basis of race, color, national origin, disability, sex, or age may file a complaint with the Director of Civil Rights at the National Endowment for the Arts.

The applicant will forward all complaints for investigation and any

finding issued by a Federal or state court or by a Federal or state administrative agency to:

Director, NEA Office of Civil Rights

Email: civilrights@arts.gov

The applicant shall maintain records of its compliance and submission for three (3) years. The applicant will compile, maintain and permit access to records as required by applicable regulations, guidelines or other directives.

The applicant must also certify that it will obtain assurances of compliance from all subrecipients and will require all subrecipients of National Endowment for the Arts funds to comply with these requirements.

The United States has the right to seek judicial or administrative enforcement of this assurance.

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Accessibility </impact/accessibility>

Privacy Policy </privacy>

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